

## **REMARKS**

Applicants respectfully request reconsideration in view of the following remarks and amendments. Claims 1, 6 and 11 are amended. Claims 2 and 7 have been canceled. Accordingly, claims 1, 3-6 and 8-11 are pending in the application.

### **I. Claims Rejected Under 35 U.S.C. § 103**

Claims 1, 3-6, and 8-11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Spear (US 2004/0037314) (hereinafter “Spear”) in view of Hoffmann et al. (US 2005/0008030) (hereinafter “Hoffmann”). See Final Office Action, page 2.

In regard to the § 103(a) rejection of independent claims 1 and 6, Applicants have amended these claims to incorporate the limitations from claims 2 and 7, respectively, which the Examiner has indicated as being in condition for allowance if rewritten in independent form (see page 5 of the Final Office Action). Therefore, because independent claims 1 and 6, as amended, recite the limitations in claims 2 and 7, respectively, amended claims 1 and 6 are now in condition for allowance. In addition, claims 2 and 7 have been canceled in light of the amendments. Accordingly, reconsideration and withdrawal of the rejection of claims 1 and 6 are respectfully requested. Allowance of claims 1 and 6 are earnestly solicited at the Examiner’s earliest convenience.

With respect to independent claim 11, this claim has been amended to recite analogous elements that are similar in scope to those discussed above in connection with amended claim 6. Thus, claim 11 is now in condition for allowance for at least the reasons discussed above in connection with amended claim 6. Because claim 11 is directed to a computer readable recording medium and is similar in scope to the method claim of claim 6, Applicants submit that claim 11 is also in condition for allowance because it now incorporates allowable subject matter as indicated by the Examiner. Accordingly, reconsideration and withdrawal of the rejection of claim 11 are respectfully requested. Allowance of claim 11 is earnestly solicited at the Examiner’s earliest convenience.

In regard to dependent claims 3-5 and 8-10, these claims depend from base claims 1 or 6 and incorporate the limitations thereof. Therefore, these dependent claims are patentable over the

cited art because each of these claims depends on an allowable base claim. Accordingly, reconsideration and withdrawal of the rejection of claims 3-5 and 8-10 are respectfully requested.

**II. Allowable Subject Matter**

Applicants respectfully acknowledge with appreciation the Examiner's indication that claims 2 and 7 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. As previously discussed, claims 1 and 6 have been amended to incorporate the limitations in claims 2 and 7. Thus, independent claims 1 and 6 are patentable over the cited art because these amended claims incorporate the respective limitations of claims 2 and 7. Further, independent claim 11 has been amended to incorporate allowable subject matter that is identical in scope to amended claim 6, the only difference being that claim 6 is a method claim and claim 11 is the same method implemented by recording a program on a computer readable recording medium which performs the method. Thus, Applicants believe that claim 11 is also in condition for allowance. Accordingly, Applicants respectfully request consideration and allowance of claims 1, 6 and 11 and their respective dependent claims at the Examiner's earliest convenience.

## **CONCLUSION**

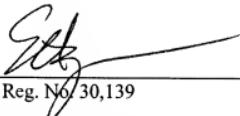
In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207 3800.

Respectfully submitted,

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Dated: 10/22, 2008

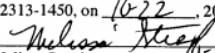
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Melissa Stead 10/22, 2008